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Attorneys for Defendants,  
CALLVINE, INC. and EDWARD R. PRINCE  
erroneously sued herein as RUDY PRINCE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

TIMOTHY GENS,

Plaintiff,

v.

VELLO CORPORATION; CALLVINE,  
INC. and RUDY PRINCE,

Defendants.

CASE NO. 5:10-cv-03220-JF

**STIPULATION AND [PROPOSED]  
ORDER OF DISMISSAL OF ENTIRE  
ACTION WITH PREJUDICE AS TO  
DEFENDANTS CALLVINE, INC. AND  
EDWARD R. PRINCE (ERRONEOUSLY  
SUED HEREIN AS RUDY PRINCE) ONLY**

**(Local Rule 7-12)**

WHEREAS, plaintiff Timothy Gens ("Mr. Gens") seeks at this time to dismiss *with prejudice* his entire action against defendants Callvine, Inc. ("Callvine") and Edward R. Prince (erroneously sued herein as "Rudy Prince" and hereinafter referred to as "Prince");

WHEREAS, pursuant to Federal Rules of Civil Procedure 41(a) and the Order of the Honorable Magistrate Judge Trumbull dated October 26, 2010 and filed October 27, 2010 (Docket No. 35), this case may only be dismissed by either the stipulation of the parties or order of the court because defendants Callvine and Prince have already appeared by filing answers;

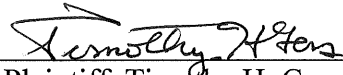
WHEREAS, defendants Callvine and Prince consent to the dismissal with prejudice of the entire action against them;

WHEREAS, defendant Vello Corporation has not yet appeared in this action;

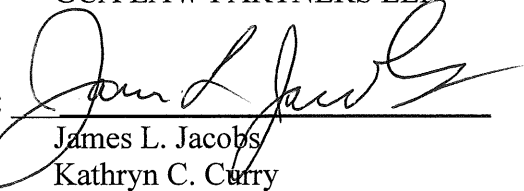
THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN TIMOTHY GENS AND ATTORNEYS' OF RECORD FOR DEFENDANTS CALLVINE AND PRINCE AS FOLLOWS:

1. The entire action against defendants Callvine, Inc. and Edward R. Prince is hereby DISMISSED WITH PREJUDICE.

DATED: December 15, 2010

By:   
Plaintiff, Timothy H. Gens  
In Pro Per

DATED: December 15, 2010

GCA LAW PARTNERS LLP  
By:   
James L. Jacobs  
Kathryn C. Curry  
Attorneys for Defendants  
CALLVINE, INC. and EDWARD R.  
PRINCE

**ORDER**

PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO ORDERED.

Date: 1/5/11

  
UNITED STATES DISTRICT COURT JUDGE